

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAVID J. SCOTT,

Plaintiff,

v.

GEORGE BABIK
and GEORGE BENNETT,

Defendants.

Case No. 2:04-CV-29

Hon. Richard Alan Enslen

JUDGMENT

In accordance with an Opinion filed this date;

IT IS HEREBY ORDERED that Plaintiff David J. Scott's Objections (Dkt. No. 71) are **DENIED**, the Report and Recommendation (Dkt. No. 67) is **ADOPTED**, and Plaintiff's Complaint (Dkt. No. 4) is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Court certifies that an appeal of the Judgment would not be taken in good faith. *See McGore v. Wigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997).

Dated in Kalamazoo, MI:
February 17, 2006

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge